ANNUAL REPORT OF THE

COMPTROLLER OF THE CITY OF NEW YORK. HIGHLY IMPORTANT DOCUMENT.

The Cost of Supporting the Dignity of a City.

INTERESTING TO TAX PAYERS.

FINANCE DEPARTMENT, COMPTROLLER'S OFFICE, NEW YORK, February 14, 1853.

TO THE COMMON COUNCIL:—
The 21st section of the act of 1849, to amend the charter of the city of New York, provides that "every head of department shall report, in writing, to the Common Council, at the commencement of each stated session, the state of his department, with such suggestions in relation to the improvement thereof, and to the public business connected therewith, as he may deem advisable."

The ordinance of the Common Council, adopted in 1849, organizing the departments, declared (section 102) that the Comptroller shall report to the Common Council, at its first meeting in January in each year, for the general information of the citizens, a full and detailed statement, setting forth:—

"1. The receipts and expenditures of the corporation during the preceding year, and the different sources of the city revenue, and the amount received from each.

from each.

2. The several appropriations made by the Common Council, the objects for which they were made, and the amount of money expended under each ap-

and the amount of money expended under each appropriation.

3. The moneys borrowed on the credit of the corporation, the authority for each loan, and the terms spon which it was obtained."

In compliance with these requirements of the charter and the ordinance referred to, the following report is respectfully submitted:—

The receipts and expenditures of the corporation during the year ending the 31st of December, 1852, exclusive of the fund set apart for the payment of the debt, were as follows:—

Expenditures from January 1st, 1851, to De-

Expenditures from January 1st, 1851, to December 31st of the same year.......\$8,234,241 45

Received from all sources for the same time, 8,130,130 72 \$164,110 73

Statement No. 1, appended to this report, gives the general heads of expenditure, and in a corresponding column the amount received into the city treasury.

Among the payments out of the treasury, and into the the following are the most prominent:

Expenditures.

Opening and paving streets. \$1,021,341 82 \$47,467 90 Common schools.

653,935 96 40,821 53 Police.

614,996 10 229 39 Almshouse.

390,000 00

Common schools.

Police
Almi-bouse
Cleaning streets and lamps,
and gas
Street expenses.
Salaries
Eavenue bonds.
2, Assessment bonds (2, 2, 2) 390,000 00 557,993 54 30,077 90 . 284,906 43 241,832 70 . 2,368,970 00 2,933,755 00 ment bonds for paving | Streets | Stre

city debt.

The expenditures and receipts on account of the city government, not including trust funds or the minking fund, for the year ending December 31, 1852, were as follows:—

The detailed items, together with the appropria-tions made by the Common Council for the various objects of expenditure, are given in statement No. 2, annexed to this report. The appropriations in this table include the extra sums appropriated to make up deficiencies beyond the original estimates of the departments.

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Although the additional appropriations to make up deficiencies for the service of the year are embodied in the Comptroller's report of the 13th December, yet it was known that the appropriations were exhausted at a much earlier period. In the City Inspector's department an additional appropriation of \$25,000 was made on the 13th of November; county contingencies, on which many irregular claims are heaped, gave out on the same day; and the contingent expenses of the Common Council were also aided \$6,000; cleaning streets was aided by \$59,000 on the 10th of September, and \$50,000 more on the 13th of November. Lamps and gas had \$50,000 on the 13th of November, street expenses of the Common Council were also maded \$6,000; cleaning streets was aided by \$59,000 on the 10th of September, and \$19,700 on the 13th of November. Street expenses required \$15,000 on November. Street expenses required \$15,000 on November 13, and \$100,000 in December. Salaries came in for \$13,000 on Nov. 13. The appropriations for docks and slips was exhausted early in the season, and on the 4th of August \$120,000 was added for these objects. Appended to this statement No. 2 is a list of the additional appropriations of 1852 made subsequent to the first estimates, and showing the deficiency of 1852. The total of the deficiency is \$887,100. From this sum the Comptroller makes sundry deductions, by which he reduces the aggregate deficiency to \$742, 157 91. But the financial incidents which he calls to his aid in reducing the aggregate deficiency of and relieve the several departments from the responsibility, either of carelessness in their estimates, or extravagance in their expenditures. If one departments from the responsibility, either of carelessness in their estimates, or sibility, either of carelessness in their estimates, or extravagance in their expenditures. If one department expends fifty thousand dollars less than its estimate, and another one hundred thousand dollars more, the latter is not entitled to have the difference of \$50,000 offset against its error of \$100,000, and in this way apparently reduce its error to fifty thousand.

of \$50,000 offset against its error of \$100,000, and in this way apparently reduce its error to fifty thousand.

The late Comptroller also reduces the amount of the deficiency of 1852, by an item which he enters on his statement to the Common Council, (page 548 of the printed documents of the Board Aldermen, Dec. 1852,) in the following words:—"Gain on mill tax of 1852—it having been reduced from half a mill on \$100 to a quarter of a mill, by laws of 1852, chap. 315—\$87,942 09." But who gains this \$87,942 09.? Certainly not the tax payers. On the 15th day of April, 1852, the Legislature passed an act reducing the tax for the support of the State government one-half. The Supervisors of this city, who made up the tax levy in August, instead of giving the tax payers the benefit of this exemption, according to the intention of the Legislature, levied half a mill under the old law, instead of one-fourth of a mill under the numended laws. And this, in the estimation of the Comptroller, is a gain of \$57,942 09. It was doubtless a relief to the finance and other departments, but it was in no sense a gain to the inhabitants of the city.

The chapter of 1830 (section 20) declares that

The charter of 1830, (section 20.) declares that

The charter of 1830, (section 20.) declares that it shall be the duty of the Common Council to publish, two months before the annual election of charter officers in each year, for the general information of the citizens of New York, a full and detailed statement of the receipts and expenditures of the corporation during the year ending on the first day of the month in which said publication is made. On the 6th of September last a statement was published, emanating from the finance department, in which it is expressly admitted that the detailed statement, instead of embracing the information required by the charter to be laid before the people for the year ending on the first day of the month in which said publication is made, includes only eight months, from January lst, 1852, to August 1st of the same year, the report being published in September. The finance department, however, in this report, volunteers to communicate, "for the general in-

ber. The finance department, however, in this report, volunteers to communicate, "for the general information of the citizens of New York," what is not required by the charter: that the tax levy would be 96 70-100, without any allusion to the great increase of expenditures which had been apparent from the large extra appropriations commencing on the 4th of August.

In the month of December following, a document was laid before the Common Council, also prepared at the Finance Department, in which it is expressly stated that the expenditures of the city government, for the year 1853, will be increased seven hundred and forty-two thousand dollars, for deficiency of taxation of 1862; and, also, that the total sum to be levied by tax, in 1853, will be \$5.17.1,502 24, being an increase over the tax levy of 1852 of \$1.791,391 74.

If the amount of the deficiency before given, which is thus crowded into the year 1853, had been pro-

is thus crowded into the year 1853, had been properly brought into the year to which it belonged, the tax levy of 1852 would have been \$4,122,668 96; and the rate, instead of being 96 70-100, would have been \$1 17 21-100 on each one hundred dollars of valua-

THE SINKING FUND.

THE SINKING FUND.

The great bulk of the city property, estimated at from fifteen to twenty millions of dollars, and the revenues thereon, which, with the water rates, yield an annual income of nearly a million dollars, are not included in the statements before referred to. This property and these revenues are, by an ordinance adopted in 1844, placed in the hands of certain trustees, and are piedged for the payment of the city debt, amounting, on the 1st of January, 1853, to the sum of \$13,886,856. There are in the hands of the Commissioners of the Sinking Fund, applicable to the payment of this debt, city stocks, and bonds, and mortgages, amounting to the sum of \$3,896,266.

The annexed statement, No. 3, shows the amount of debt, and No. 4 the securities in the hands of the omni ssioners forits redemption.

TOTAL AMOUNT OF THE OPERATIONS OF THE TREA-

The sums received by the Commissioners of the

FINANCES OF THE CITY.

Sinking Fund and expended by them for the year ending December 31, 1852, have been as follows:—

Received on account of the fund for the payment of the debt.

\$1,162 377 04
Paid from the same fund.

\$1,16337 60

\$138.845 83

Pesides the debt before given of reimbursable from the sinking fund, there is a debt for money borrowed to construct buildings, and for docks and slips, payable from taxation, of

The sums reimbursable from taxation, and the years in which these taxes must be levied, are given in statement No. 9.

FERRIES—THEIR MODE OF RENTING AND REVANCE.

The corporation of the city of New York has a very important power and valuable right in regard to the establishment of ferries "from Manhattan island to any of the opposite shores all around the same."

"The grant was founded," says Chancellor Kent. in no e 30 to the charter, "on the twofold consideration, as a source of revenue to the city and an accommodation to the public." After affording every facility for the security and accommodation of the public, the ferry privilege secured by the charter ought to yield a large annual revenue to the city, and the ratio of the increase, to some extent at least, ought to keep pace with the growth of the city, and the surrounding country having intercourse with it 'hrough the medium of the ferries.

The ferry leases, or those which I have examined, do not contain any provision for making reports to the corporation in regard to the amount received annually for ferriage, or any particulars respecting the operations of the ferry which would enable the corporation to fix a value to its property, or the amount of rent to be exacted on a renewal of the lease. The sums received at the several ferries which are connected with this city, indicating the number of persons passing to and from the city, would be interesting and valuable as a statistical fact merely; and as the sure means of ascertaining the value of the city property these returns are indispensable.

In all cases where the ferry landings have been reserved, or are owned by the city, the rents, when leased, or on a renewal of a lease, ought to be fixed by a sale of the ferry privilege at public acction. The provision in the lease to have the boats valued at the close of the term would secure all the equitable rights of the original lessee, and the competition would protect the interests of the city. The revenue arising from ferries is pledged to the public

their power to improve this source of revenue.

Statement No. 10 is a list of the ferries, and shows the annual rent and terms of lease.

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Revenue from City Ballroads.

Leaving to the proper authorities all questions connected with the legality or expediency of railroads in the streets of the city, it is deemed not only proper, but a duty, to present a few suggestions in regard to the propriety of requiring the city railroads to give the public in some way an equivalent for the very valuable privileges secured to them by the agreements under which they enjoy a monopoly, as far as railroad travel is concerned, of the most important portion of an avenue. For this privilege, the company might be required to keep the entire avenue paved between the curb stones, and clean the streets. This would be a moderate compensation to the public for furnishing, not only a graded line for the road, but a thoroughfare already filled with more passengers than they can accommodate. In all cases of extending the avenues in the approach to the Harlem river, each railroad company, as a condition for its extension, ought to be required to pay the expense of grading and paving the avenue, in proportion to the number of feet occupied by its double track; and the public ought to have the benefit of all revenue beyond ten per cent, in a reduction of fare, or a direct annual revenue might be exacted, which would go to lessen taxation on the city.

The railroads sch open great avenues to the city, render valuable equivalents to the public for the privilege of laying their rails on the graded avenues. And yet these roads, affording such great facilities to the trude and commerce of the city, are placed on a different footing from the city railroads. Take, for example, the Hudson Piver Railroad, at an expense of ten millions and a half of dollars; its stockholders have prepared a road which brings the commercial and political capitals of the State within four hours of each other, at a cost to each person of twelve shillings, thus producing a wonderful saving in time and money to the millio

time and money to the millions who annually traverse the valley of the Hudson. And yet this company, instead of having the right of way given, and the avenue graded for it to Harlem river, paid at least one hundred thousand dollars for the right of way on the island, and five times that amount for grading. And where the avenues were not actually opened, the company paid to the individuals fronting on the avenue two hundred dollars a lot for the quantity occupied by the company in the avenue. opened, the company paid to the individuals fronting on the avenue two hundred dollars a lot for the quantity occupied by the company in the avenue. In addition to this, the company was prohibited, in the ordinance, from running any stated trains below Thirty-second street, or taking pay from passengers, under a penalty of \$25 in each case. These were the conditions in a case where a company of capitalists were opening an important avenue to the city for one hundred and forty miles, where the right of way cost them at least \$800,000, and the whole outlay not less than ten and a half millions of dollars.

In this view of the subject, it seems to me that every person not biassed by an adverse interest must come to the conclusion that these great thorough fares, graded as they are, if to be occupied for the special advantage of a few individuals, those individuals ought to yield to the public a fair equivalent for this great privilege, and the value of which is to increase with the growth of the city.

If a reasonable portion of the expense of opening and grading the avenues is exacted from the railroad companies which are to be benefitted, it will be a check on premature movements in opening and grading avenues, and the imposition of engrous

companies which are to be benefitted, it will be a check on premature movements in opening and grading avenues, and the imposition of enormous expenditures. For this purpose, the case of the Second avenue, where \$220,000 will probably be assessed on the city, to be paid by taxation, should be an admonition to the city authorities on this point. If speculators in railroad stock and contracts are to have the avenues by a partial confiscation of the adjoining property, and a tax on the city, and then are to have the use of those graded avenues and praftiable thoroughfares, to be kept in repair at the public expense, they ought to pay a large revenue to the city. And if the grades of the avenues are raised or cut down to accommodate the railroads, beyond what is required for the benefit of the p operty, the roads thus accommodated ought to be charged with the additional expense.

EXTRA COMPENSATION TO THE JUDGES OF THE SU-

extra compensation to the judges of the suextra compensation to the judges of the suextra compensation to the supreme Court in this
district, for \$750, being an extra compensation allowed him by a resolution of the Board of Supervisors of the 27th of December last. The resolution
is annexed, and marked No. 12, I was not
asked to draw a warrant on the treasury, for
the reason that the Judge was absent and the necessary vouchers could not be given; but I was requested to say that the amount would be paid on the receipt of the proper vouchers. This I declined to do.
Although the Legislature has passed an act declaring that the supervisors have passed a resolution
according to the law, it seems to me that the constitution which I have sworn to support in the discharge of my duty, is the paramount anthority, and
must control my action in this case. Sec. 7, art 6,
of the constitution reads as follows:—

"The Judges of the Court of Appeals and Justices
of the Supreme Court shall severally receive, at
stated times, for their services, a compensation, to be
established by law, which shall not be decreased or
diminished during their continuance in office."

The Judges of the Supreme Court in the sveral
judicial districts are State judges, and their compensation is to be fixed by law and paid from the State
treasnry. If the districts of New York requires a greater
judicial force than other districts, it has the authority to provide for their election, and their salaries
must be paid from the State treasury; and there is
no provision in the constitution to charge any portion
of this expense on the treasary of the county of New
York.

It is said, however, that the section of the constitution just referred to, extends only to an alteration EXTRA COMPENSATION TO THE JUDGES OF THE SU-

It is said, however, that the section of the consti It is said, however, that the section of the consti-tution just referred to, extends only to an alteration of the salary, so far as the State treasury is concern-ed. This would defeat the intention or the conven-tion, by increasing the salary during the texm, which they intended to prevent by acting on the spervi-sors of New York, instead of acting on the State treasury directly.

But there is another and fatal objection to this law. It casts a local burthen on the county of New York for the support of a judiciary system common to the whole State, and ought not to be separately taxed in

whole State, and ought not to be separately taxed in addition.

On either of the points above referred to, I feel constrained to say that I consider it my duty to refuse payment, under both the resolutions of the Board of Supervisors, until the questions are settled by a court of competent jurisdiction.

It has been suggested that the business of the city has greatly increased, and that the additional charge necessary to bring up this business may properly be assessed on the city. This consideration ought not to influence the action of an executive officer. But, conceding the increase of business, we ought not to lose sight of the fact, that comparing 1845, the year before the constitution was adopted, with 1853, we find that the force of the Superior Court has been increased from three to six, and the total amount of the salaries of the judges of this court, which in 1845 was \$7,500, is now \$24,000. In addition to this, a city judge has been authorised to be elected by chap. 205 of the laws of 1850, with a salary of \$3,500, payable from the city treasury.

COMMON SCHOOLS AND TAXATION.

In addition to this, a city judge has been authorised to be elected by chap. 205 of the laws of 1850, with a salary of \$3,500, payable from the city treasury.

COMMON SCHOOLS AND TAXATION.

The direct tax for common schools on the property of the city for the year 1853, as shown by the apportionment of the State Superintendant of Common Schools, and the requisition made on the Supervisors of the county by the city Board of Education, is seven hundred and ninety-four thousand seven hundred and six dollars.

From 1823 to 1829 inclusive, the sum apportioned from the common school fund of the State to the city of New York in each year, was \$10,823, requiring the same sum to be raised by tax. In 1830 and 1831 there was added to this tax one-cightieth of one per cent, which produced about \$15,000 in addition for each year. From 1832 to 1840, there was collected by tax three-eightieths of one per cent, in addition to the ordinary school money, producing from seventy to seventy-three thousand dollars annually, reaching \$90,000 in 1841, and falling to \$60,000 in 1842 and 1843. In 1845 an assessment was made of one-twentieth of one per cent, producing \$114,610 63. In the mean time, and commencing with 1841, the distribution of school money by the State was increased by the addition of the United States deposit fund to about \$35,000, requiring an equivalent sum to be levied on the city, and making the total tax for schools \$124,000. In 1844 an act was passed (chap. 320), which provided for purchasing sites and buildings, and furnishing schoolhouses, and for raising the necessary means, by taxation for accomplishing the secessary means by taxation for accomplishing these objects. The 42d section of this act provides "All children between the ages of four and sixteen, residing in the city and county, shall be entitled to attend any of the common schools therein; and the parents, guardians, or other persons having the custody or care of such children, shall not be liable to any tax, assessment, or imposition." Other than the

follows:
1882. For State treasury.
1882. For city schools.
467,573

the amount paid to the treasury on account of the \$00,000, and the sum drawn out of it on account of school moneys, by six of the largest counties, having an aggregate population about equal to that of the city and county of New York. The result is as follows:—

10110 11 3		Paid to	Received from
Counties.	Population.	Treasury.	School Money.
Albany		\$23,312	\$27,382
Erie		24,026	83,898
Monroe	87,651	22,286	28,323
Oneida		13,661	35,985
Onondaga	85,889	18,183	29,640
Otsego	48,688	8,882	21,247
Total	516,193	\$110,350	\$176,375
City of New 1	Fork . 515,546	225,670	130,701 05
The above	six counties.	with an agg	regate popula-
tion of only	648 more than	the city of I	New York, pay

in taxes to make up the \$00,000, \$115,330 less than New York, and draw from the school fund apportionment \$45,594 more than New York, making a total difference by this comparison of \$160,924. The free school act in this respect violates the principle of equal taxation, which lies at the foundation of every just system of collecting revenue from a property valuation.

ty valuation.

The increase of taxation for schools, comparing 1845 with 1853, eight years, is \$644,000. In regard to this increase, it is just to all parties to say, that the Common Council and the finance department have no control in the premises. As a matter of form merely the Common Council appropriates, as it already has done, the total sum for the year, and the Board of Education draws the amount from the Chamberlain, with whom the money is placed by the Comptroller, and there is no accountability to the finance denartment.

the Comptroller, and there is no accountability to the finance department. The ten Governors of the Almahouse are organized under a special law, which relieves them from accountability to the finance department, although they draw some \$400,000 annually from the treasury. They report, however, to the Common Council. These facts are mentioned for the purpose of showing to the tax payers that about \$1,200,000 of their contributions are managed under special laws, to which the system of accountability prescribed in the charters of 1830 and 1849 do not apply.

charters of 1830 and 1849 do not apply.

THE DUTIES OF THE FINANCE DEPARTMENT.
In this "winter of discontent" to the tax payers, with an annual assessment of more than five millions of dollars hanging like a dark cloud over the future destinies of the city, and when my predecessor informs them that the assessments for 1853 will be increased \$1.700.000 over those of the preceding year, and that \$742,000 of this sum grows out of arrearages of expenditures of 1852, it would be a dereliction of duty on my part, did I omit to examine into the causes of this frightful increase of expenditure, or to apply all the remedies for the protection of the treasury which the charter and the laws of the land have provided for the government of the Finance Dehave provided for the government of the Finance De-partment. Theoretically, the citygovernment has not the power to tax the inhabitants of the corporation; taxation is a prerogative of sovereignty, reserved to the State government, and which that government deals out to the corporation in annual instalments.

the State government, and which that government deals out to the corporation in annual instalments.

The annual tax law is made out by the Comptroller, approved by the Mayor and Common Council, and then is forwarded to the Legislature to be passed into a law. The form is the same from year to year, the only material change being in the amount to be levied on the patient inhabitants, and it is passed, almost as a matter of course, precisely as it comes from the hands of the corporation. Practically, therefore, the legislative and executive departments of the city government impose the taxes, and are responsible for the expenditures and the increase of taxes, with the exceptions which have been shown in another part of this report. In the tax law of 1852, passed by the State Legislature, authority was given to the Supervisors—a body in this city which consists of the Mayor, Recorder and the Aldermen of the twenty wards—to levy the sum of \$3,380,511 05 on the taxable inhabitants of the city. This sum was arrived at and made up—or ought to have been—as required by the seventh section of the charter of 1849, from "specific and detailed statements, in writing, of the several heads of the departments, through the Comptroller." When the Comptroller, at the close of 1851, presented these estimates for the year 1852, with a law for the sanction of the State Legislature, embracing this sum, the Common Council had a right to expect that it was, in the opinion of the Comptroller, sufficient for the expenses of the city government to the \$1st of December, 1852. The specific and detailed systements made out by the several departments, as the basis of the action of the Common Council and the Levislature, in fixing the amount of the tax, and the ap, vo-

*Webster's Dictionary, which the Legislature has endorsed as a good authority for the schools, by assigning one to each, defines "apportionment" "the act of dividing into just proportions or shares."

priations for the service of the year 1852, were \$742,157 91 less than the sums called for to carry the departments through the year, as shown by a report of the Comptroller to the Common Council, presented on the 13th of December last. The more deficiency for the support of the city government for one year only—that is, the difference between the amount arrived at by "specific and detailed statements from slithe departments, through the Computoller, and the actual disbursements for the year—is equal, within \$3.000, to the aggregate sum paid annually for the ordinary support of the State governments of the six Western States of Ohio, Keatuck, Michigan, Illinois, Wisconsin, and Iowa. It is \$247.000 more than the cost of supporting the State governments of Connecticut, Vermont, Maine, New Hampshire, and Rhode Island; and only \$237,000 less than the aggregate sum expended by the six New England States, including Massachusetts, which latter State expends half a million annually. This comparison, it will be borne in mind, is made between the ordinary payments out of the treasuries of the several States referred to, and the mere item of excess of expenses in our city government, for one year over and above the estimates of the several departments, through the Comptroller. The whole amount of expenditure of the city government is quite another matter, as shown by the statement of the Comptroller, before referred to. In this statement he estimates the amount of tax to be levied in 1853 at the large sum of \$5,171,802 79, being an increase over the levy of 1852, of \$1,791, 502 79, being an increase over the levy of 1852, of \$1,791, 502 79, being an increase over the levy of 1852, of \$1,791, 502 79, being an increase over the levy of 1852, of \$1,791, 502 79, being an increase over the levy of 1852, of \$1,791, 502 79, being an increase over the levy of 1852, of \$1,791, 502 79, being an increase over the city government, as before given, (\$5,171,802 79,) is only \$464,0197 21 less than the aggregate annual expenditures, for

The amended charter of 1849 took from the Common Council the power of appointing the heads of the several departments, and made provision for electing these officers every three years by the peo-

The amended charter of 1849 took from the Common Council the power of appointing the heads of the seyeral departments, and made provision for electing these officers every three years by the people. (§ 20.)

This amendment to the city charter also provides that the "executive power of the corporation shall be vested in the Mayor, the heads of departments, and such other executive officers as shall be from time to time created by law; and neither the Common Council, nor any committee or member thereof, shall perform any executive business whatever, except such as is or shall be specially imposed on them by the laws of the State, and except that the Board of Aldermen may approve or reject the nominations made to them, as hereinafter provided."

Section 11 declares, that "there shall be an executive department, which shall be denominated the Department of Finance, which shall have control of all the fiscal concerns of the corporation, and shall prescribe the forms of keeping and rendering all city accounts whatever; and all accounts rendered to, or kept in, the several departments of the sity government, shall be subject to the inspection and revision of this department. It shall settle and adjust all claims whatever; by the corporation or against them, and all accounts whatever in which the corporation is concerned, either as debtor or creditor. The chief officer of this department shall be called the Comptroller of the city of New York."

The 7th section of the amended charter of 1849 is as follows:—"No money shall be drawn from the city treasury except the same shall have been previously appropriated to the purpose for which it was drawn; and all appropriations shall be based upon specific and detailed statements in writing, of the several heads of departments, through the Comptroller."

These are extracts from the amendments to the charters of 1830 and 1849, and are alike obligatory on the Common Council and the several departments to which they refer. The amendments made in 1830, were first recommenced by a c

made for every object of expenditure." Mr. Allen adds as follows:—"The 21st section of the bill is also new, and directs that the executive business of the corporation shall be performed by distinct departments. This appears to be necessary, both on account of relieving the members of the Common Council from this addition to their duties, as well as the placing of the business in the hands of responsible persons. Much of the business is now done, as the committee are informed, by committees of the board. It is frequently by their orders that expenditures are made and disbursements directed; and in this way, both the legislative and executive business of the board is performed by the same persons."

The convention which matured the amendments of 1830, after providing for specific appropriations for every branch and object of the city expenditure, for making distinct departments for managing the finances and all business of the city, and after having prohibited the Common Council-from exercising executive duties, and from the old mode of replenishing the finances by borrowing on bonds, evidently supposed that the people had a reasonable guaranty for economy in expenditures, and a correction of the abuses which were complained of, and which led to the convention. This is evident from the exposition made at the time by Stephen Allen (who had been a member of the convention), when he introduced the amendments to the charter, in the Senate of this State.

After twenty years experience under the restric-

of this State.

After twenty years experience under the restrictions provided by the amendments of 1830, during which period the city expenses increased from \$507,107.24, in 1829, to \$3,230,085, in 1848, another application was made to the Legislature for amendments to the charter, of a more stringent character. On the subject of appropriations, the following sentence was added to the provision in the charter of 1830, viz.:—"And all appropriations shall be based upon specific and detailed statements, in writing, of the several heads of departments through the Comptroller."

troller."

If each disbursing officer, confining himself to those expenditures authorised by the charter and the laws, makes thorough examination in regard to all disbursements required in his department, and gives a detailed statement of these to the Comptroller; and if the finance department uses the same care and vigilance in legard to estimates not falling within the range of either of the disbursing departments, it is not recreived why an estimate approaching to and if the finance department uses the same care and vigilance in regard to estimates not falling within the range of either of the disbursing departments, it is not perceived why an estimate approaching to accuracy, may not be made. Mathematical exactness in an estimate of prospective expenditures in a great city, is not attainable; but an effort should be made by all the departments to have the estimate cover the expenditures as near as practicable. The salaries of all the departments, forming a large item, can be made exact, if changes do not take place during the year; and if so, the difference between the estimate and expenditure is readily accounted for. The contracts for gas afford the means of an approximate estimate, and theoil contracts, and the quantity used for the preceding year, afford the means of a close approximation for the year estimated for. Where work is to be done by contract, careful estimates should be made, and if the work is actually contracted for, this should determine the estimate and control the amount of appropriation.

"The detailed statement" from the departments, in regard tolevery work of magnitude within the contemplation of the department when the annual estimate is prepared, ought to be made with such precision as to enable the Common Council to determine, when a new appropriation is asked for, on what particular work the expenditure differs from the estimate.

After the appropriation is made, if the repair or construction of a pier cannot be contracted for at a price falling within the cost for the particular work on which the original estimate was based, the case ought to be reported to the Finance Department, and by this department to the Common Council, as provided for by the seventh section of the charter of 1849, before the contract is made. In, no other way can effect be given to the 19th section of the amended charter of 1849, which reads as follows, viz:—"No expense shall be incurred by any of tie departments, or officers thereof, whether the object of expenditure

The estimates and appropriations for the current year were made in December. The officers who made these estimates, with the exception of one department, have been changed since the estimates were made. Although we have had no agency in making these estimates, it is our duty to use the utmost eccenemy in the expenditures, in order that we may have the means of carrying on our department with the funds which have been appropriated, to the end of the year. The sum estimated by the departments, and appropriated by the Common Council, is the basis of the amount embraced in the tax law. The charter forbids borrowing on the credit of the corporation, and only allows it in anticipation of the revenue of the year in which such loan shall be made. This restricts the power, both of the legislative and executive nepartments, to the amount provided in the tax law. And it is indispensable that each disbursing department limits its expenditure to the estimate and appropriation already made. It is a violation of the charter to borrow in anticipation of revenue which we may hope the Legislature of 1854 will authorize us to collect from the tax payers. We shall be deprived of the gain of \$87,000 by a tax for State purposes to be used for the city, as was done last year, and the treasury will have no temporary aid from the liberal loans which have been made under laws passed in 1851 and previously. It is incumbent on each department to examine carefully the estimates made by their predecessors, and to use the utmost circumspection in their expenditures, and in the contracts which are to be made. In this way alone can we hope to reach the close of the year without an empty treasury. There was an apparent belance in the treasury on the first of January, of \$136,877 39. It is ascertained, however, that from the third of November to the close of December-there was borrowed on revenue bonds the sum of one million and sixty thousand dollars, of which \$493.

1000 was obtained on the three last days of the year, The sums thus borrowed i

The sums thus borrowed in November and December to the amount of over a million of dollars, are payable in the year 1853.

FUNERAL EXPENSES OF DANIEL WEBSTER.

In regard to settling claims, the charter says (sec. 11, 1849.) that the Finance Department "shall settle and adjust all claims whatsoever by the corporation or against them, and all accounts whatever in which the corporation is concerned, either as debtor or creditor." And section 9 of the same amended charter, declares that "neither the Common Council nor any committee, or any member thereof, shall perform any executive business whatever, except such as is, or shall be, specially imposed upon them by the aws of the State."

In the first of these extracts certain duties are assigned to the Finance Department, as clearly as it is possible by the English language to confer the power and impose the duty. In the second, the legislative branch, and all the committees and members thereof, are, with equal distinctnesss, forbidden to exercise the executive duties, which are so emphatically assigned to the Finance Department.

In view of these provisions of the charter, which we are all bound to respect and obey, it is my duty to remonstrate against the course which was taken in settling the accounts for the funeral expenses of Daniel Webster.

Most of the individuals having claims, amounting in the aggregate to \$6,447 35, have been paid since the first of January, and fifteen of the bell ringers had not been paid as late as the 13th of January, and yet jthe Finance Department has had no agency or control in "settling or adjusting" these claims, which have been omitted by a committee of the Common Council, in direct violation of the charter, and paid by the Commissioner of Repairs and Supplies, who had no control over the expenditures, nor any authority whatever in the matter. The first step in the process of auditing these accounts, was the adoption of the following resolution, which passed the Board of Aldermen on the 12th of November, and was approved by the

hows:—
The Commissioner of Repairs and Supplies is here
by requested to compute the amount necessary to
pay the foregoing mentioned bills, and to send a
communication to the Common Council, asking for
an appropriation of \$6.447 35 to pay the same."
This money was drawn from the treasury on the 27th

communication to the Common Council, asking for an appropriation of \$6.447 35 to pay the same." This money was drawn from the treasury on the 27th December.

In compliance with this request, Mr. Adams made the following communication to the Common Council, substantially protesting against the whole proceeding, vis:—

"In compliance with the annexed resolution of the Common Council, I have to report that an appropriation of \$6,447 35 will be required to meet the expenses consequent thereon, as per bills rendered, as approved of by the committee of arrangements. In making this communication, I would state that I did not receive the resolution until the 18th of November, two days after the obsequies. I therefore had nothing to do with the arrangements thereon. The committee approved of the bills, and requested me to ask for the necessary appropriations therefor. I would further state, that said appropriation will require to be a special one, as I have no funds to draw on for said purposes. WILLIAM ADAMS, Commissioner, &c."

The ordinance of 1849, (p. 99.) prescribing the duties of the "Department of Repairs and Supplies," confines them to "repairing the public roads, constructing and repairing the public rooms and offices of the corporation, the court-rooms, the public station-houses, and the public markets, and all other things necessary therefor," repairing streets, fire engines, &c. These accounts were withheld from the Finance Department, which, as already shown, is authorized "to settle and adjust all claims whatsoever by the corporation or against them, and all claims whatever in which the corporation is concerned as debtor or creditor." and were handed over to the head of a department whose duties, as prescribed in the ordinance regulating the departments, had no relation whatever to these claims, and who, as shown by his letter, was reluctant to have the custody of them, under the conviction that the business did not belong to his department.

These irregularities have a most deleterious and annexes and an

them, under the conviction that the business did not belong to his department.

These irregularities have a most deleterious and demoralizing influence on the departments. The Common Council, as required by the charter, makes rules for the government of each, and then one department is pressed by a committee of the Common Council to perform duties which are not assigned to another department by the charter, and which cannot legally be taken from it by the head of another department, or by the Common Council itself.

In this way all the safeguards of the treasury are In this way all the safeguards of the treasury are broken down; the broad and distinct lines marked out by the charter, as before shown, between the legislative and executive departments, are obliterated, and even the lines marked out by the ordinance of the Common Council itself, for dividing the duties of the several departments, are overruled and nullified by the same body which made them, or by a committee of that body. The articles ordered by the committee of arrangements in getting up the pageant, and which were paid fer through the "Department of Repairs and Supplies," will show the tax payers, when the annual statement is published required by section twenty of the charter of 1830. required by section twenty of the charter of 1830, two months before the annual election, "for the general information of the citizens of New York," that in all arrangements for the feneral of Daniel Webster, the injunction contained in the will of that eminent man, to wit, "I wish to be buried without the least show or ostentation," has had as little in-fluence on the committee of arrangements as the positive enactments of the city charter.

centive business by committees was not disco timed, as was intended by the convention of 185. They had an amended charter, but the practice user it was not so changed as to reach the "tryis evils?" which the committee of the Senate suppowed would be broken up by its provisions. In 1849 a other effort was made to correct abuses, and the poer of selecting the heads of departments was take from the Common Council and given to the electrof the whole city; and the prohibition against texercise of executive duties by committees was to mistakely designed, as shown by extracts from the charter in another part of this report. The charter of the expenditures for last year will show the even the plain and stringent provision of the charter of the expenditures for last year will show the even the plain and stringent provision of the charter of the expenditures for last year will show the even the plain and stringent provision of the charter of 1840 has been disregarded, and the city treasu thrown wide open, notwithstanding the double gus provided first, by the act (chapter 187) of 1843, a second, by the act (chapter 187) of 1849.

In the case of Hodges vs. The City of Baffa (2 Denio's Reports, p. 110.) the ground was take and maintained, that the Common Council of the city of Buffalo have no authority to farnish enting the total provided and the city at public expense. And it was held by the court, "of an action would not lie against the corporation, at suit of one who had provided an entertainment Independence day, upon the employment of a comittee, authorized by the Common Council to ctract for it." As the principles of the Declaration of New York, as I have discovered, to change the case, it is impressed on my mind that the cisions before referred to are conclusive against claims of Mr. Howard. And the doctrine is equa conclusive against the allowance of the \$16,085 actually paid from the treasury, from December 1851, to March 8, 1852. The champions of non tervention should have given by royal governments of our municip

the public officers act as trustees and agents for people.

With the contemporaneous testimony of suc man as Stephen Allen, in regard to the intent of the convention which framed the charter of Is and the decision of the highest court in the State to the right of a municipal corporation to exp the people's money for refreshments for themse or guests, I respectfully submit to the Comm Council that the expenditures in the "tea roc have no justifiable basis to rest on.

The disbursements for the year ending on the sof December last, through the Bureau of the City I and Park, were as follows:—

For refreshments consumed by the Common

For refreshments consumed by the Common

Total. \$13,90
There has also been paid in the Street Bepartment, for Committees on Streets, Roads, Lands and Places, Wharves, Piers and Slips, during the year 1852—
For carriage hire. \$1,107.00
For refreshments \$47.42—1,654

amount was just, and that the articles named y purchased for and consumed by members of the C mon Council, and others, by their authority."

THE RFFECT OF TAXATION.

From the fact that ours is a system of taxation property, an opinion prevails with some that he taxes are a burden only on the wealthy. There is greater falacy than this. It is the great midd class—those who are engaged in an endless variet business pursuits, whose severe industry with a sreapital enables them to support their families—are actually burdened by taxation, and who pa large share of the taxes. These are estimated thousands, whilst those of large estates are estimated out counting the names, and there has not been to do it. But the receiver of taxes has furnished number of lines on the several books on which lots are entered. The aggregate of these will last, fifty thousand; in 1848, sixty-one thousand in 1852, sixty-six thousand seven hundred, many cases whole pages are occupied with the of a single tax-payer, and the deputy receiver mates that there should be a deduction of one from the number of lines, to get an estimate of number of persons on the tax roll the city. The number of persons taxed in 1850 \$17,500 and upwards, is shown, by a statement lished in 1851, to have been only 3,421; wileaves the number of taxables under \$17,500, eighty-eight less than thirty thousand.

There are thousands of the industrious classes where families, and must have dwellings, and som them stables for their horses. To all these persexcessive taxation is felt as a real burden, either direct assessments or an increase of rent. But this a very numerous and needy class of persons, are not on the assessment roll at all, on whom h taxes fall with crushing weight. This class is mu pof he